

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TROY SMITH,

Plaintiff,

v.

SNOHOMISH COUNTY , et al.,

Defendants.

Case No. 2:24-cv-00288-TLF

ORDER DENYING PLAINTIFF'S
MOTION FOR LEAVE TO FILE A
SECOND AMENDED COMPLAINT
(DKT. 33)

This matter comes before the Court on plaintiff's motion for leave to file a second amended complaint. Dkt. 33. Plaintiff is proceeding *pro se*¹. Defendants did not respond to plaintiff's motion.

Pursuant to Federal Rule of Civil Procedure ("Fed. R. Civ. P.") 15(a), "[a] party may amend the party's pleading once as a matter of course at any time before a responsive pleading is served." Otherwise, the party "may amend the party's pleading only by leave of court or by written consent of the adverse party." Leave to amend "shall be freely given when justice so requires," and "this policy is to be applied with extreme liberality." *Id.*; *Morongo Band of Mission Indians v. Rose*, 893 F.2d 1074, 1079 (9th Cir. 1990). After a responsive pleading has been filed, "leave to amend should be granted unless amendment would cause prejudice to the opposing party, is sought in bad faith,

¹ Plaintiff's counsel withdrew from the case on October 15, 2024. Dkt. 32.

1 is futile, or creates undue delay.” *Martinez v. Newport Beach City*, 125 F.3d 777, 786
2 (9th Cir. 1997).

3 Although leave to amend under this rule is generally freely given, it is important
4 that a plaintiff comply with Local Civil Rule (“LCR”) 15. Under LCR 15, when a party
5 moves to amend a pleading, they must:

6 Attach a copy of the proposed amended pleading as an exhibit to the
7 motion or stipulated motion. The party must indicate on the proposed
8 amended pleading how it differs from the pleading that it amends by
9 bracketing or striking through the text to be deleted and underlining or
10 highlighting the text to be added. The proposed amended pleading must
11 not incorporate by reference any part of the preceding pleading, including
12 exhibits.

13 In this case, plaintiff did not fully comply with LCR 15. Although he attached a
14 copy of his proposed amended pleading as an exhibit to the motion (see Dkt. 33-1),
15 plaintiff’s pleading is deficient because the proposed second amended complaint does
16 not adequately identify the differences with the amended complaint (Dkt. 21). Short of
17 comparing every word in those paragraphs to those in the amended complaint, the
18 Court cannot identify the specific differences. This requirement facilitates the Court’s
19 ability to ascertain the causes of action and amendments that are proposed, to
20 determine whether the amendments would or would not be futile. *See Leadsinger, Inc.*
21 *v. BMG Music Publ’g*, 512 F.3d 522, 532 (9th Cir. 2008).
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1 Therefore, the Court denies plaintiff's motion for leave to file a second amended
2 complaint without prejudice. This means plaintiff may refile the motion if he complies
3 with Local Civil Rule 15 and Federal Rule of Civil Procedure 15.

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6 Dated this 22nd day of November, 2024.

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Theresa L. Fricke
United States Magistrate Judge